



# ANALYZING THE NEW FARM BILL

## Will Washington Programs Mean More North Dakota Wildlife?

*Story and Photo by Craig Bihrlé*

Federal farm programs have a major influence on North Dakota wildlife populations.

The Soil Bank program started in the 1950s, which paid farmers to idle cropland and plant it to grass, helped spur a decade-long rise in the state's pheasant population. It's a time period still warmly remembered by those who lived through it and experienced the dramatic turnaround in pheasant numbers, which followed a downward slide in the late 1940s and early 1950s.

When Congress discontinued Soil Bank in the mid-1960s, and hundreds of thousands of acres of grassland nesting cover became cropland again, North Dakota's pheasant population tumbled and stayed depressed for more than two decades until the next long-term cropland retirement provision, the Conservation Reserve Program, began making its mark in the late 1980s.

Other farm programs, also commenced within the last 60 years, have provided millions of trees for shelterbelts on the prairies. It is these trees and the habitat they provide that are at least partly, and perhaps mostly responsible for today's high prairie white-tailed deer population.

On the negative side, farm policy in the 1960s, '70s and early '80s encouraged development of more cropland, which included financial subsidies for wetland drainage and accelerated conversion of native grasslands. During those decades, breeding habitat for ducks, geese, upland game and many other birds decreased considerably, followed closely by reduction in breeding bird numbers.

Just over a year ago, President George W. Bush signed the 2002 Farm Bill which sets farm policy and programs through 2007. The bill contains record spending on conservation provisions, with increased funding for well-known programs, and a few new wrinkles as well. While conservation is only a small part of the overall bill, it is of primary interest to the citizens who appreciate, and recreate in, North Dakota's outdoors.

Details for many components are just start-

ing to become finalized, so federal, state and local conservation managers are anxiously evaluating how this giant piece of federal legislation might alter the state's landscape.

The 2002 Farm Bill places increasing emphasis on conservation of working lands, ensuring that agricultural land remains both healthy and productive. It also ensures greater access to programs by making more farmers and ranchers eligible for participation.

The big question, as has been the case with every farm bill since 1985, is maintenance of the Conservation Reserve Program. The new bill ensures CRP will remain part of the landscape well into the future by actually increasing the number of acres that can be enrolled nationwide. This could mean more acres in North Dakota, a state that already has about 3.3 million acres enrolled, but Greg Link, the Game and Fish Department's assistant wildlife division chief, doesn't anticipate significant gains. At the same time, Link isn't worried about the potential for significant reductions, either. "We'd be very happy just to keep what we have," he said.

While the Game and Fish Department has only an advisory role on the state's CRP technical committee – primary administration responsibility lies with the U. S. Department of Agriculture's Farm Service Agency – Department administrators keep a close watch on the program. It is the single most important wildlife habitat program in the state, and a good share of the money Game and Fish invests in its private lands programs is directed at CRP lands.

As a product of the 1985 Farm Bill, CRP created a high grassland habitat base in much of the state, Link said, which made for large tracts of quality nesting cover for waterfowl and upland game birds. In the past decade, this additional nesting habitat is largely responsible for record waterfowl production in North Dakota, as well as pheasant populations not seen since the early 1960s.

While the potential to maintain or increase

# Farm Programs for Conservation in North Dakota

## CONTINUING PROGRAMS

### Conservation Compliance

In the past, certain farm program benefits were not available to producers who drained wetlands to prepare land for crop production, or did not have in place an approved conservation system for highly erodible land. Commonly called "Swampbuster" and "Sodbuster," these provisions are maintained in the new farm bill. The new legislation also reiterates that USDA agencies are responsible for determining compliance with these provisions, and that the Secretary of Agriculture cannot delegate this authority to the private sector.

### Conservation Reserve Program

The Conservation Reserve Program, managed by USDA's Farm Service Agency, was established in 1985, at a time when the mix of farm programs had been without a significant long-term land retirement option for more than 20 years. Primarily, the CRP was designed to take cropland with high soil erosion rates out of production, with annual compensation to landowners who planted the cropland back to grass. In addition, by removing land from production, CRP was intended to reduce some crop surpluses, which was supposed to lead to better crop prices.

Congress has reauthorized CRP in every farm bill since 1985 and the 2002 legislation extends it through 2007. Some changes from previous CRP rules include:

- Raises authorization for enrollment to a nationwide cap of 39.2 million acres, up from 36.1 million acres.
- Highly erodible land must have been cropped in four of the previous six years to be eligible. Under the last farm bill, cropping requirements were two of the previous five years.
- Land under expiring contracts is automatically eligible for re-enrollment consideration, and in most cases existing cover can be retained when expiring contracts are re-enrolled.

- Provides for managed haying (including for biomass) and grazing, with appropriate payment reduction, where the previous farm bill only allowed emergency haying or grazing during drought emergencies.

### Farmable Wetland Program

The FWP was established as a pilot project in 2001, which allowed landowners in six states, North Dakota included, to enroll a farmed wetland of five acres or less in a crop field, plus surrounding buffer acreage, into the CRP. The FWP is continued in the new farm bill, with eligibility extended to all states and an enrollment cap of 1 million acres, no more than 100,000 acres in any state the first year. Contracts can include wetlands of up to 10 acres, but only five are eligible for payment; buffer or surrounding acreage is limited to three times the wetland acreage.

### Conservation Reserve Enhancement Program

CREP is a cooperative program that targets significant agriculture-related environmental problems at the state or national level. Managed by the Farm Service Agency, CREP is the federal government's largest private land environmental improvement program, but it is also a voluntary program that provides financial incentives for private landowners to initiate conservation practices.

The Game and Fish Department is a major CREP partner in North Dakota with its CoverLocks for Conservation program, which works with willing landowners to plant a 20-acre mixed-habitat block within working agricultural land, within certain watersheds, to help improve water quality in runoff, reduce erosion, and establish wildlife habitat at the same time.

The new farm bill continues funding for CREP, establishing financial backing for this program well into the future.

### Environmental Quality Incentives Program

EQIP, managed by USDA's Natural Resources Conservation Service, provides

technical and financial assistance to farmers and ranchers who address environmental concerns related to soil, air and water. Examples include projects that improve livestock feedlot waste management, or reduce soil erosion into watersheds.

This program is funded with more than \$4.5 billion through 2007, more than three times the spending level of the previous farm bill. Participating landowners typically receive 75 percent cost-share on projects, but beginning farmers or ranchers can receive up to 90 percent cost-share.

### Wetlands Reserve Program

The WRP allows the USDA to purchase long-term or permanent easements and provide cost-sharing to landowners who restore drained wetlands on agricultural land. The program, managed by NRCS, is reauthorized through 2007, and the acreage cap is more than doubled, from 1.075 million acres to 2.275 million acres.

### Wildlife Habitat Incentives Program

WHIP is managed by the NRCS and encourages creation of high quality wildlife habitat. The NRCS provides technical and financial assistance to landowners who want to develop upland, wetland, riparian, and aquatic habitat areas on their property. The 2002 Farm Bill greatly increases WHIP funding over the previous six years and allows for additional incentive payments above regular cost-share agreements on land enrolled for at least 15 years.

### Conservation of Private Grazing Land

Managed by NRCS, this program provides technical assistance relating to conservation on private grazing lands. It is expanded in the new farm bill to encourage sustainable grazing systems, maintaining and improving private grazing land, fish and wildlife habitat, and protecting and improving water quality and quantity.



the number of acres is good news, Game and Fish officials are somewhat concerned about a CRP management rule change. At the heart of the concern is a provision that would allow landowners to manage their CRP by haying or grazing once every three years, with coinciding reduced payments. Currently, CRP management options vary depending on the contract and type of vegetative cover, but most require some type of treatment – cover removal, weed clipping, etc. – once every 5-10 years.

One management treatment during the course of a 10- or 15-year contract is usually beneficial, according to Link. Haying or grazing can remove years of old grass build-up, which can revitalize the grass stand. However, *idle* nesting cover is the key ingredient and the reason CRP has been so productive in the past. For a short period of time during and after haying or grazing, the CRP land wildlife value is reduced. Escape cover is diminished for fall and winter, and unless there is sufficient grass regrowth, its value as nesting cover the following spring is also compromised. Early nesting ducks like mallards and pintails especially need residual cover – the thick, dead grass from the previous year – because they start building their first nests before the regrowth of a new spring is available.

One year of reduced value during a “rebuilding” phase may be a fair trade to maintain habitat productivity in the long run. However, there is still some debate about the ideal frequency for gaining maximum conservation and wildlife benefits over the length of a CRP contract. In some cases, Link says, the ideal frequency can vary between geographic regions, cover types, and the kinds of wildlife that use the cover. More frequent management could mean a couple more years within a long-term contract when the land’s wildlife value is diminished, in addition to those years in which contract holders are allowed to hay or graze the CRP during drought emergencies.

The interim rule for the new CRP management scheme was published in the Federal Register in early May and is open for comment through July 7. If the interim rule is adopted as final, it will cover all new CRP contracts, as well as those 3.3 million acres already enrolled in North Dakota. Game and Fish, Link says, is already developing ways to adapt its Private Land Initiative to the new rules, so hunters get maximum value for their license dollars invested in creating habitat and gaining access to CRP lands.

Outside of the managed haying and grazing change, Link says another notable facet of the 2002 Farm Bill is the addition of new “working lands” programs that apply certain conservation practices on land that remains an active part of a farming business. “Our (Game and Fish) programs have always been ‘idle’ programs that relied on landowners who wanted to retire blocks of cropland and convert it to wildlife habitat,” Link said. “We’ll still rely on those types of programs, but we see some real potential in looking at working lands programs as well.”

Nationally, large-scale land retirement accounted for more than 90 percent of conservation program spending from 1997-2002. While spending levels for land retirement in the current farm bill increased slightly, from about \$2 billion in 2003 to \$2.1 billion in 2007, the amount available for working lands incentives goes from about \$500 million in 2003 to nearly \$2 billion in 2007.

In North Dakota, that should mean more incentives for landowners to preserve or improve smaller areas of good habitat within cropland or grazing land, such as creek bottoms or woody draws, Link said. Some of those landowners will be interested in pursuing additional incentives offered by Game and Fish through its private lands programs.

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More than a year since its signing, questions remain about the 2002 Farm Bill and how it will influence wildlife habitat fortunes across the country. Early returns, however, are mostly favorable. “All conservation partners,” Link said, “felt real positive about what we got out of the farm bill.”

That positive feeling probably extends to the rest of the country as well. Conservation provisions have become a significant part of national farm legislation, Link said, because citizens expect something back from their investment. “People want to know that conservation is part of their tax dollar commitment . . . that things are OK in the countryside,” he stated. “I don’t think they’ll ever be satisfied with supporting intensive agriculture without conservation.”

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## WHAT’S INCLUDED A Look at Families and New Options

*Note: For more information on the following provisions of the 2002 Farm Bill, contact the local office of the USDA’s Farm Service Agency or Natural Resources Conservation Service. For information on North Dakota Game and Fish Department private lands programs, contact John Schulz at 701-328-6300; email jschulz@state.nd.us.*

### NEW PROGRAMS

#### Conservation Security Program

CSP is designed to reward resource stewardship and provide an incentive for addressing soil, water or wildlife habitat concerns on agricultural working lands. It can work on either grazing or cropland, and is tiered so producers can receive higher payment levels for greater conservation efforts. Cost-share of 75 percent is also available for establishing or maintaining conservation practices.

The North Dakota Game and Fish Department sees excellent potential for adapting its private lands programs for working with producers involved in CSP, says Greg Link, assistant wildlife division chief. Game and Fish could, for instance, pick up the producer’s 25 percent cost-share for establishing a practice, then kick in an additional incentive payment as well. In the end, producers could enroll and receive incentive payments for land in CSP with no out-of-pocket costs, while also providing hunting access through the private lands program.

#### Grasslands Reserve Program

The GRP is established to assist landowners, through long-term contracts or easements, in preserving or restoring grasslands, rangeland, pasture and prairie. Tracts of at least 40 acres are eligible, and payments would vary depending on the type of rental contract of easement.

The new farm bill authorizes enrollment of up to 2 million acres in this program.